

SEVENTY-SIXTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Larry Costner, Calvary Baptist Church, Nashville, Tennessee.

Representative Atchley led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 80

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Napier, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--80.

The Speaker announced that Representative Huskey was excused because of business.

The Speaker announced that Representative Stafford was excused because of illness.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1733, 1734, 1843, 1848, 1860, 1955 and 2286; and House Resolution No. 134; and House Joint Resolution No. 288; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 1733, 1734, 1843, 1848, 1860, 1955 and 2286; House Resolution No. 134; and House Joint Resolution No. 288.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 302, 561, 1099, 1291, 1418, 1427, 1454, 1476, 1479, 1561, 1568, 1610, 1617, 1715, 1740, 1763, 1767, 1770, 1782, 1802, 1834, 1929, 1950, 2024, 2053, 2132, 2146, 2221 and 2250; also, Senate Joint Resolutions Nos. 150, 168, 169, 170, 171, 172, 173, 174, 175 and 219; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 302, 561, 1099, 1291, 1418, 1427, 1454, 1476, 1479, 1561, 1568, 1610, 1617, 1715, 1740, 1763, 1767, 1770, 1782, 1802, 1834, 1929, 1950, 2024, 2053, 2132, 2146, 2221 and 2250; and Senate Joint Resolutions Nos. 150, 168, 169, 170, 171, 172, 173, 174, 175 and 219.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 178, 1422, 1445, 1977 and 2200; and House Joint Resolutions Nos. 516, 517, 518, 519, 520, 521, 522, 525, 526, 529, 530, 535, 539 and 541; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

222--Relative to study, financial stability, political subdivisions;

228--Relative to congratulating Eston Randolph; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1575--To establish certain restitution programs, certain criminal cases;

1845--To regulate location, bingo games;

2098--To regulate interest, taxable real property; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

769--To require certain equipment, motorcycles;

1374--To increase longevity pay;

1910--To make certain provisions, fur dealers;

2051--To make certain provisions, property taxes;

2273--To provide for tax on lodgings, Lincoln County;

2281--To amend Charter, Petersburg;

2284--To regulate trash disposal, Greene County;

2288--To make provisions, Monroe County School Board;

2289--To amend Charter, Clarksville; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF DELAYED BILLS COMMITTEE

The undersigned members of the Delayed Bills Committee have approved the following bill: House Bill No. 2271.

Ned R. McWherter

James R. McKinney

James M. Henry

REPORTS OF STANDING COMMITTEES

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 846 (with amendments), 1585, 1900 (with amendments) House Joint Resolution No. 477 and Senate Joint Resolution No. 130.

BRAGG, Chairman.

Under the rules, House Bills Nos. 846, 1585, 1900, House Joint Resolution No. 477 and Senate Joint Resolution No. 130 were transmitted to the Committee on Calendar and Rules.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 2085 and 2146 and further recommend that pursuant to an earlier motion, House Bill No. 2146 be placed on the Calendar for Wednesday, May 16, 1984.

KING (Shelby), Chairman.

Under the rules, House Bill No. 2085 was transmitted to the Committee on Calendar and Rules.

House Bill No. 2146 was placed on the Calendar for May 16, 1984.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 833 (with amendment), 1382, 1384 (with amendment); 1657,

1663 (with amendment); 2022, 2265, 2271, House Joint Resolutions Nos. 277 (with amendment), 433 (with amendment), 480 and 532 and further recommend that pursuant to House Rule No. 70, House Bill No. 1663 be referred to the Committee on Finance, Ways and Means.

MURPHY, Chairman.

Under the rules, House Bills Nos. 833, 1382, 1384, 1657, 1663, 2022, 2265, 2271; House Joint Resolutions Nos. 277, 433, 480 and 532 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bill No. 1663 to the Committee on Finance, Ways and Means.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 655 (with amendments), 2024 (with amendments) 2194 and 2290 and further recommend that pursuant to House Rule No. 70, House Bill No. 2194 be referred to the Committee on Finance, Ways and Means.

MILLER, Chairman.

Under the rules, House Bills Nos. 655, 2024 and 2290 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bill No. 2194 to the Committee on Finance, Ways and Means.

CALENDAR

Mr. Ellis moved that House Bill No. 817 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Robertson moved that House Bill No. 1872 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 2170--To amend Public Building Authorities Act.

Mr. Scruggs moved that House Bill No. 2170 be passed on third and final consideration.

Mr. Scruggs moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2170 be deleting the amendatory language of Section 3 in its entirety and substituting in lieu thereof the following new amendatory language:

"Project' means any undertaking which is eligible to be financed by bonds, notes, interim certificates or other obligations insued pursuant to state law by cities, towns or counties."

On motion, the amendment was adopted.

Thereupon, House Bill No. 2170, as amended, passed its third and final consideration by the following vote:

Ayes	84
Noes	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--84.

Representative voting no was: Shirley--1.

A motion to reconsider was tabled.

Mr. Kisber moved that House Bill No. 1687 be placed on the Calendar for Tuesday, May 22, 1984, which motion prevailed.

FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 292

House Joint Resolution No. 292--Relative to amending the Constitution, age of senators.

Mr. Hudson moved that House Joint Resolution No. 292 be passed on first reading.

At the request of the sponsor, House Joint Resolution No. 292 was read by the Clerk.

Thereupon, as required by Article XI, Section 3, Constitution of Tennessee, House Joint Resolution No. 292 passed its first reading by the following vote:

Ayes	52
Noes	31

Representatives voting aye were: Anderson, Bell, Brewer, Buck, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, DePriest, Dills, Disspayne, Ellis, Elsea, Ford, Frensley, Gafford,

Gill, Harrill, Hassell, Henry, Hudson, Hurley, Jared, Johnson, Kernell, King (Shelby), King (Washington), Love, McKinney, McNally, Miller, Moore (Sullivan), Murphy, Murray, Naifeh, Owen, Phillips, Rhinehart, Robertson, Robinson (Davidson), Severance, Shirley, Sir, Starnes, Tanner, Turner (Hamilton), Ussery, Webb, Wheeler, Work and Mr. Speaker McWherter--52.

Representatives voting no were: Atchley, Bewley, Bivens, Byrd, Chiles, Copeland, Davis (Gibson), DeBerry, Duer, Hillis, Jones, Kelley, Kisber, McAfee, Montgomery, Moody, Moore (Shelby), Nance, Percy, Pickering, Robinson (Hamilton), Robinson (Washington), Scruggs, Smith, Stallings, Wallace, Whitson, Wix, Wolfe, Wood and Yelton--31.

House Bill No. 2047--To make certain provisions, metropolitan airport authorities.

On motion, House Bill No. 2047 was made to conform with Senate Bill No. 1705.

On motion, Senate Bill No. 1705, on same subject, was substituted for House Bill No. 2047.

Mr. Ellis moved that Senate Bill No. 1705 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Tanner, Turner (Hamilton), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--85.

A motion to reconsider was tabled.

House Bill No. 1812--To make certain provisions, water quality control.

Mr. Hillis moved that House Bill No. 1812 be passed on third and final consideratrion.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1812 by deleting from Section 8, the word "including" and by substituting instead the words "with the exception of."

On motion, the amendment was adopted.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1812

DIVISION (1)

by deleting Section 9 in its entirety and by renumbering the remaining sections accordingly.

DIVISION (2)

and further amend in Section 12 of the original bill by deleting the second sentence of the amendatory language and replacing it with the following:

"Any unexpended balance of the special fund in any fiscal year shall revert to the general fund."

Mr. Robertson requested a division of the question on Amendment No. 2.

Mr. Robertson moved that Division No. 1 of Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes	38
Noes	48
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bewley, Bragg, Brewer, Chiles, Copeland, DePriest, Dills, Duer, Elsea, Ford, Frensley, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Kelley, King (Washington), McNally, Montgomery, Moody, Moore (Sullivan), Nance, Percy, Robertson, Robinson (Washington), Scruggs, Severence, Smith, Ussery, Wallace, Webb, Wheeler, Whitson and Wood--38.

Representatives voting no were: Bell, Bivens, Buck, Byrd, Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, Disspayne, Ellis, Gafford, Gaia, Gill, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), Kisber, Love, McAfee, McKinney, Miller, Murphy, Murray, Naifeh, Napier, Owen, Phillips, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Shirley, Sir, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Withers, Wix, Wolfe, Work and Yelton--48.

Representative present and not voting was: Moore (Shelby)--1.

Mr. Hillis moved that Division No. 1 of Amendment No. 2 be adopted, which motion failed by the following vote:

Ayes	41
Noes	42
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Buck, Byrd, Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, Disspayne, Dixon, Ellis, Gafford, Gaia, Gill, Johnson, Jones, Kent, Kernell, Kisber, Love, McKinney, Miller, Murphy, Murray, Naifeh, Napier, Owen, Phillips, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Shirley, Sir, Stallings, Tanner, Turner (Hamilton), Withers, Wix and Work--41.

Representatives voting no were: Anderson, Atchley, Bewley, Bragg, Brewer, Chiles, Copeland, DePriest, Dills, Duer, Elsea, Ford, Frensley, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Kelley, King (Washington), McAfee, McNally, Montgomery, Moody, Moore (Sullivan), Nance, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Smith, Starnes, Ussery, Wallace, Webb, Wheeler, Whitson, Wolfe, Wood and Yelton--42.

Representative present and not voting was: Moore--1.

Mr. Hillis moved that Division No. 2 of Amendment No. 2 be adopted, which motion prevailed.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1812 by deleting the fifth paragraph of Section 2 in its entirety and substituting instead the following new paragraph:

And is further amended by deleting from subsection (d) in the fifth sentence the words "or panel".

On motion, the amendment was adopted.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 1812 by creating a new section prior to the effective clause and subsequently renumbering the following section:

"All hearings and appeal under this act shall be a de novo hearing."

Mr. Speaker McWherter moved House Bill No. 1812 down 5 places on the Calendar.

House Bill No. 2023--To provide for charging of fees, County Conservation Board.

Mr. McNally moved that House Bill No. 2023 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 86
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Elsea, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--86.

A motion to reconsider was tabled.

Mr. Rhinehart moved that the rules be suspended for the purpose of introducing House Resolution No. 143 out of order, which motion prevailed.

House Resolution No. 143--Relative to honoring Kimetha Brooks--By Rhinehart and Cobb.

Mr. Rhinehart moved that the rules be suspended for the immediate consideration of House Resolution No. 143, which motion prevailed.

Mr. Rhinehart moved that House Resolution No. 143 be adopted, which motion prevailed by the following vote:

Ayes 87
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart,

Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

A motion to reconsider was tabled.

House Bill No. 2206--To make provisions, examinations of state banks.

Mr. McNally moved that House Bill No. 2206 be passed on third and final consideration.

Mr. Ford moved that House Bill No. 2206 be re-referred to the Committee on Commerce, which motion prevailed by the following vote:

Ayes	76
Noes	6
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Dispayne, Dixon, Duer, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Hamilton), Severance, Shirley, Sir, Stallings, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wood, Work and Yelton--76.

Representatives voting no were: Bragg, Ellis, McKinney, McNally, Scruggs and Wolfe--6.

Representative present and not voting was: Mr. Speaker McWherter--1.

House Bill No. 2045--To make certain provisions, garage Keepers' liens.

On motion, House Bill No. 2045 was made to conform with Senate Bill No. 2080.

On motion, Senate Bill No. 2080, on same subject, was substituted for House Bill No. 2045.

Mr. Byrd moved that Senate Bill No. 2080 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

House Bill No. 2041--To set requirements nursing licenses.

On motion, House Bill No. 2041 was made to conform with Senate Bill No. 1633.

On motion, Senate Bill No. 1633, on same subject, was substituted for House Bill No. 2041.

Mr. Bivens moved that Senate Bill No. 1633 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Clark (Davidson), Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --88.

A motion to reconsider was tabled.

House Bill No. 1682--To make certain requirements, purchasing by counties.

On motion, House Bill No. 1682 was made to conform with Senate Bill No. 1891.

On motion, Senate Bill No. 1891, on same subject, was substituted for House Bill No. 1682.

Mr. Frensley moved that Senate Bill No. 1891 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1891 by deleting from the amendatory language of Section 1 the words "fuel and fuel products and".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1891, as amended, passed its third and final consideration by the following vote:

Ayes	82
Noes	7

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Tanner, Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter--82.

Representatives voting no were: McAfee, Percy, Robertson, Robinson (Hamilton), Starnes, Turner (Hamilton) and Wood--7.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF HOUSE BILL NO. 1812

House Bill No. 1812--To make certain provisions, water quality control.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 1812 by creating a new section prior to the effective clause and subsequently renumbering the following section:

"All hearings and appeal under this Act shall be a de novo hearing."

Mr. Robertson moved to amend Amendment No. 4 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 4

Amend amendment No. 4 by striking the words "and appeal".

Mr. McKinney moved that Amendment No. 1 to Amendment No. 4 be tabled, which motion failed by the following vote:

Ayes	40
Noes	45
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Buck, Byrd, Clark (Davidson), Covington, Crain, Davidson, Davis (Gibson), DeBerry, Disspayne, Dixon, Gafford, Gill, Jared, Johnson, Jones, King (Shelby), Kisber, Love, McKinney, Miller, Murphy, Murray, Naifeh, Napier, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Shirley, Sir, Stallings, Tanner, Turner (Hamilton), Turner (Shelby), Withers, Wix and Work--40.

Representatives voting no were: Anderson, Atchley, Bewley, Bragg, Chiles, Clark (Sumner), DePriest, Dills, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Kelley, Kent, King (Washington), McAfee, McNally, Montgomery, Moody, Moore (Shelby), Nance, Owen, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Smith, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wolfe, Wood and Yelton--45.

Representative present and not voting was: Moore (Sullivan)--1.

Mr. McKinney moved that House Bill No. 1812 be re-referred to the Committee on Finance, Ways and Means.

Mr. Bewley moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	47
Noes	32
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bewley, Bragg, Chiles, Clark (Sumner), Copeland, DePriest, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Kelley, King (Washington), Kisber, McAfee, McNally, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Nance, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Smith, Starnes, Turner (Hamilton), Ussery, Wallace, Webb, Whitson, Williams, Wolfe and Wood--47.

Representatives voting no were: Bell, Buck, Byrd, Clark (Davidson), Covington, Crain, Davidson, Davis (Gibson), DeBerry, Disspayne, Dixon, Gill, Jared, Johnson, Jones, Kent, King (Shelby), Love, McKinney, Naifeh, Napier, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Shirley, Sir, Stallings, Tanner, Withers, Wix, Work and Yelton--32.

Representatives present and not voting were: Miller and Owen--2.

Mr. McNally moved that House Bill No. 1812 be placed at the heel of today's calendar, which motion prevailed.

The Speaker announced that Representative Pickering was excused for the remainder of today's session to attend a funeral.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 1990--To amend Section 57-4-103, Code.

On motion, House Bill No. 1990 was made to conform with Senate Bill No. 2009.

On motion, Senate Bill No. 2009, on same subject, was substituted for House Bill No. 1990.

Mr. Frensley moved that Senate Bill No. 2009 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	61
Noes	20
Present and not voting	5

Representatives voting aye were: Anderson, Bell, Bewley, Bivens, Buck, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), DeBerry, DePriest, Disspayne, Dixon, Duer, Ellis, Elsea, Frensley, Gafford, Gaia, Hassell, Hudson, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), Kisber, Love, McNally, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Phillips, Pruitt, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams and Withers--61

Representatives voting no were: Atchley, Byrd, Copeland, Crain, Dills, Ford, Harrill, Hillis, Hurley, King (Washington), McAfee, Rhinehart, Robinson (Hamilton), Stallings, Starnes, Turner (Hamilton), Turner (Shelby), Wolfe, Wood and Work--20.

Representatives present and not voting were: Bragg, Miller, Nance, Smith and Yelton--5.

A motion to reconsider was tabled.

House Bill No. 2072--To enact Personal Recruiting Services Act.

On motion, House Bill No. 2072 was made to conform with Senate Bill No. 2074.

On motion, Senate Bill No. 2074, on same subject, was substituted for House Bill No. 2072.

Mr. Murphy moved that Senate Bill No. 2074 be passed on third and final consideration.

Mr. Naifeh moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2074 by adding in Section 2 the following new subsection (g) and relettering subsequent subsections accordingly:

(g) "Employer paid personnel recruiting service" means any firm which neither charges candidates a fee nor has any contractual agreement of any kind with the candidates, and draws all of its compensation without exception from employers.

AND FURTHER AMEND by deleting the word and figure "six (6)" from the third line in Section 4(a) and substituting in lieu thereof "seven(7)".

AND FURTHER AMEND by inserting a new sentence after the first sentence in Section 4(b) as follows: "One (1) of the members shall be representative of employer paid personnel recruiting service firms and engaged as an employer paid recruiting firm in this state for at least five (5) years prior to his or her appointment, and shall be of recognized business standing with good moral character."

AND FURTHER AMEND by inserting in Section 5 before "a personnel recruiting service" the following: "an employer paid personnel recruiting service or".

AND FURTHER AMEND by adding in Section 6 the following new subsection (d):

(d) An applicationn for an employer paid personnel recruiting service shall be submitted by its owner. A separate registration shall be applied for and obtained for each location at which an employer paid personnel recruiting service conducts business. The application shall be accompanied by:

- (1) a non-refundable fee of \$50.00,
- (2) identification of applicant's manager.

AND FURTHER AMEND by adding in section 11(a) the following at the conclusion thereof:

"Employer paid personnel recruiting service ---\$50.00".

AND FURTHER AMEND by adding a new subsection (c) to Section 15 as follows:

(c) Subsections (a) and (b) of this section shall not apply to employer paid personnel recruiting service. Upon receiving a verified, written complaint under oath from a candidate, the Board may inspect the records of such service pertaining solely to that candidate.

AND FURTHER AMEND by adding a new Section 16 and renumbering all subsequent sections accordingly:

SECTION 16. Employer paid personnel recruiting service firms shall file with the Board on forms provided by the Board a statement that such firms are exclusively employer paid personnel recruiters. Such forms shall be filed under oath with the Board on or before the 15th day of July, October, January and April of each and every year.

AND FURTHER AMEND by adding to Sections 7, 8, 9, and respectively, the following sentence:

The provisions of this section shall not apply to employer paid personnel recruiting service.

Mr. Murphy moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	49
Noes	32
Present and not voting	2

Representatives voting aye were: Atchley, Bragg, Brewer, Buck, Chiles, Copeland, DeBerry, Duer, Ellis, Elsea, Ford, Gaia, Gill, Harrill, Hassell, Henry, Hudson, Hurley, Kent, King (Shelby), Love, McAfee, McKinney, Miller, Montgomery, Moody, Moore (Shelby), Nance, Napier, Owen, Percy, Phillips, Pruitt, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Starnes, Turner (Hamilton), Whitson, Williams, Wood, Work and Yelton--49.

Representatives voting no were: Bell, Bewley, Bivens, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Dills, Disspayne, Dixon, Gafford, Hillis, Jared, Johnson, Jones, Kelley, Kernell, King (Washington), Kisber, Murray, Naifeh, Rhinehart, Stallings, Tanner, Turner (Shelby), Wallace, Wheeler, Withers and Wolfe--32.

Representatives present and not voting were: Moore (Sullivan) and Webb--2.

Thereupon, Senate Bill No. 2074, passed its third and final consideration by the following vote:

Ayes	83
Noes	7
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Johnson, Kelley, Kent, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--83.

Representatives voting no were: Cobb, Crain, Jared, Jones, Kernell, Naifeh and Tanner--7.

Representative present and not voting was: Love--1.

A motion to reconsider was tabled.

House Bill No. 1482--To amend Section 12-4-101, Code.

On motion, House Bill No. 1482 was made to conform with Senate Bill No. 1579.

On motion, Senate Bill No. 1579, on same subject, was substituted for House Bill No. 1482.

Mr. Murphy moved that Senate Bill No. 1579 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	80
Noes	10
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Hillis, Hudson, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Sir,

Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Whitson, Williams, Withers, Wix, Wood, Work and Yelton--80.

Representatives voting no were: Ford, Henry, Hurley, Jones, McKinney, Robertson, Scruggs, Severance, Wheeler and Wolfe--10.

Representative present and not voting was: Copeland--1.

A motion to reconsider was tabled.

House Bill No. 1656--To make certain provisions, insurance coverage.

On motion, House Bill No. 1656 was made to conform with Senate Bill No. 1643.

On motion, Senate Bill No. 1643, on same subject, was substituted for House bill No. 1656.

Mr. Murphy moved that Senate Bill No. 1643 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1643 by inserting between the first and second sentence of the amendatory language of Section 1 the following:

"However, nothing in this subsection may be construed to affect the licenses of a physician or clinical psychologist providing such service or supervision."

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1643, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frenslley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith,

Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--90.

A motion to reconsider was tabled.

House Bill No. 145--To continue solid waste disposal control board.

Mr. King (Shelby) moved that House Bill No. 145 be passed on third and final consideration.

Mr. King (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 145 by inserting the following language as new sections immediately preceding the effective date section and by appropriately renumbering such effective date section:

SECTION _____. Tennessee Code Annotated, Section 68-46-110, is amended by adding the following sentence to the end of subsection (b):

Such review and revision shall be performed by the board as frequently as shall be necessary to insure that annual fee collections are substantially equal to annual hazardous waste management program expenditures and costs.

SECTION _____. Tennessee Code Annotated, Section 68-46-110, is further amended by deleting subsection (d) in its entirety and by appropriately redesignating subsequent subsections.

SECTION _____. Tennessee Code Annotated, Title 68, Chapter 46, Part 1, is amended by adding the following language as a new section:

Annually, prior to January 7, the board and the commissioner shall submit a written report to the speaker of the senate and to the speaker of the house of representatives which shall evaluate all aspects of the performance of the hazardous waste regulatory program during the preceding year.

AND FURTHER AMEND by deleting from the amendatory language of Section 2 the word, figures, and symbol "Section 53-4311" and by substituting instead the following:

Section 68-31-111.

On motion, the amendment was adopted.

Thereupon, House Bill No. 145, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--91.

A motion to reconsider was tabled.

House Bill No. 150--To continue civil defense and disaster compact.

On motion, House Bill No. 150 was made to conform with Senate Bill No. 1313.

On motion, Senate Bill No. 1313, on same subject, was substituted for House Bill No. 150.

Mr. King (Shelby) moved that Senate Bill No. 1313 be passed on third and final consideration.

Mr. King (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1313 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-206, is amended by inserting the following language as a new, appropriately numbered item:

() civil defense and disaster compact, created by Section 58-2-401.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1313, as amended, passed its third and final consideration by the following vote:

Ayes 89
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--89.

A motion to reconsider was tabled.

House Bill No. 2185--To make certain provisions, agency rules.

On motion, House Bill No. 2185 was made to conform with Senate Bill No. 2151.

On motion, Senate Bill No. 2151, on same subject, was substituted for House Bill No. 2185.

Mr. King (Shelby) moved that Senate Bill No. 2151 be passed on third and final consideration.

Mr. King (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2151 by deleting from Section 2(c)(4) the following:

"Rule 1180-1-.09(1)(i); and".

AND FURTHER AMEND by deleting from Section 2(c)(4) the following:

".01, .09,".

AND FURTHER AMEND by deleting from Section 2(c)(4) the figures, punctuation, and symbols ".11(6)," and by substituting instead the following:

"and,".

AND FURTHER AMEND by deleting from Section 2(c)(4) the following:

", .15(1), and .21".

AND FURTHER AMEND by deleting Section 2(c)(5) in its entirety.

AND FURTHER AMEND by deleting Section 2(c)(8) in its entirety and by substituting instead the following:

"(8) Department of Employment Security --

Rule 0560-2-1-.06;

Rule 0560-2-2-.01;

Rule 0560-2-3-.12(7); and

Rule 0560-3-2-.05;"

AND FURTHER AMEND by deleting from Section 2(c)(11) the following:

"Rules 0940-5-1-.02, .03, .04, .05(c), .06, .07, .08, .09, .11, .12, and .14;

Rules 0940-5-2-.01(1), (6), (15), and (18); and

Rules 0940-5-2-.02(2)(g), (3)(f), and (4)(f);

Rules 0940-5-3-.01(3), (8), (9), and (13);

Rules 0940-5-3-.02(2)(b), (2)(c), (3), (4), (5), (8), and (9);

Rules 0940-5-5-.02(2)(g);".

AND FURTHER AMEND by deleting Section 2(c)(12) in its entirety.

AND FURTHER AMEND by deleting Section 2(c)(13) in its entirety.

AND FURTHER AMEND by deleting Section 2(c)(15) in its entirety.

AND FURTHER AMEND by deleting Section 2(c)(18) in its entirety.

AND FURTHER AMEND by deleting Section 2(c)(19) the following:

".04(g),".

AND FURTHER AMEND by deleting Section 2(c)(21) in its entirety.

On motion, the amendment was adopted.

Mr. King (Shelby), moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 2151 by inserting the following language as an appropriately designated new item within Section 2(c):

() Department of Commerce and Insurance --

Rule Chapter 0780-2-1;

Rule Chapter 0780-2-6;

Rule Chapter 0780-2-8; and

Rule Chapter 0780-3-1.

On motion, the amendment was adopted.

Mr. King (Shelby), moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 2151 by inserting the following language as a new section immediately preceding the severability section and by appropriately renumbering subsequent sections:

SECTION _____. Tennessee Code Annotated, Section 4-5-225(b), is amended by adding the following language as a new, appropriately numbered item:

() Notwithstanding the provisions of this section to the contrary, Rules 0520 of the Department of Education shall expire on July 1, 1986.

On motion, the amendment was adopted.

Mr. King (Shelby), moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 2151 by inserting the following language as a new section immediately preceding the severability section and by appropriately renumbering subsequent sections:

SECTION _____. Tennessee Code Annotated, Section 4-5-225(b), is amended by adding the following language as a new, appropriately numbered item;

() Notwithstanding the provisions of this section to the contrary, Rules 0420 of the Department of Correction shall expire on July 1, 1985.

On motion, the amendment was adopted.

Mr. King (Shelby) moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 2151 by deleting Section 2(c)(17) in its entirety.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 2151, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--90.

A motion to reconsider was tabled.

House Bill No. 570--To require trucks use right lane on interstate.

On motion, House Bill No. 570 was made to conform with Senate Bill No. 688.

On motion, Senate Bill No. 688, on same subject, was substituted for House Bill No. 570.

Ms. DeBerry moved that Senate Bill No. 688 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 688 by deleting the third sentence from amendatory language subsection (c) in Section 1.

On motion, the amendment was adopted.

Mr. Chiles moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 688 by deleting in the amendatory language of Section 1 the words and figures "Class 9, 10, and 11 tractor-trailer trucks" and by substituting instead the words "motor vehicles".

On motion, the amendment was adopted.

Mr. McAfee moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 688 by adding a new section prior to enacting clause and renumbering remaining section accordingly:

Section () and vehicle traveling on a posted highway with a speed limit of 55 MPH less than 45 miles per hour must have emergency lights blinking.

Amendment No. 3 failed by the following vote:

Ayes	22
Noes	59
Present and not voting	1

Representatives voting aye were: Clark (Davidson), DeBerry, Dills, Duer, Ellis, Elsea, Ford, Gaia, Gill, Jones, Kelley, King (Shelby), McAfee, McKinney, Pruitt, Robertson, Severance, Smith, Turner (Hamilton), Wallace, Withers and Wolfe--22.

Representatives voting no were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Byrd, Chiles, Copeland, Covington, Davidson, Davis (Gibson), DePriest, Disspayne, Drew, Gafford, Harrill, Hassell, Hillis, Hurley, Jared, Johnson, Kent, King (Washington), Kisber, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sir, Stallings, Starnes, Tanner, Ussery, Webb, Wheeler, Whitson, Williams, Wix, Wood, Work and Yelton --59.

Representative present and not voting was: Frensley--1.

Mr. Gafford moved that Senate Bill No. 688 be re-referred to the Committee on Transportation.

Ms. DeBerry moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	45
Noes	43
Present and not voting	1

Representatives voting aye were: Anderson, Brewer, Buck, Chiles, Cobb, Copeland, Covington, Davidson, Davis (Gibson), DeBerry, Disspayne, Dixon, Drew, Ellis, Frensley, Gaia, Gill, Hillis, Jared, Jones, Kernell, King (Shelby), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Naifeh, Owen, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Severance, Sir, Smith, Stallings, Tanner, Turner (Shelby), Wheeler and Withers --45.

Representatives voting no were: Atchley, Bell, Bewley, Bivens, Bragg, Byrd, Crain, Dills, Duer, Elsea, Ford, Gafford, Harrill, Hassell, Henry, Hudson, Hurley, Johnson, Kelley, Kent, King (Washington), McAfee, Moody, Murray, Nance, Napier, Percy, Robertson, Robinson (Washington), Scruggs, Shirley, Starnes, Turner (Hamilton), Ussery, Wallace, Webb, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--43.

Representative present and not voting was: Clark (Davidson)--1.

Mr. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes	71
Noes	16

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Hassell, Hillis, Hudson, Hurley, Jared, Jones, Kernell, King (Shelby), King (Washington), Love, McAfee, McKinney, McNally, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Owen, Percy, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Stallings, Starnes, Tanner, Turner (Shelby), Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wolfe, Wood and Work--71.

Representatives voting no were: Clark (Davidson), Covington, Gafford, Harrill, Henry, Johnson, Kent, Miller, Montgomery, Moody, Napier, Robertson, Shirley, Turner (Hamilton), Wix and Yelton--16.

Thereupon, Senate Bill No. 688, as amended, passed its third and final consideration by the following vote:

Ayes	53
Noes	34
Present and not voting	1

Representatives voting aye were: Anderson, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis

(Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Gaia, Gill, Hassell, Hillis, Jared, Jones, Kernell, King (Shelby), Kisber, Love, McKinney, McNally, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Sir, Smith, Stallings, Tanner, Turner (Shelby), Wheeler, Williams and Withers--53.

Representatives voting no were: Atchley, Bell, Bewley, Bivens, Clark (Davidson), Elsea, Ford, Frensley, Gafford, Harrill, Henry, Hudson, Hurley, Johnson, Kelley, Kent, King (Washington), McAfee, Montgomery, Moody, Murray, Nance, Napier, Robertson, Shirley, Turner (Hamilton), Ussery, Wallace, Webb, Whitson, Wix, Wolfe, Wood and Yelton--34.

Representative present and not voting was: Bragg--1.

A motion to reconsider was tabled.

House Bill No. 923--To make certain provisions, executive orders.

Mr. Starnes moved that House Bill No. 923 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 923 by deleting Section 1 (c) in its entirety and by substituting in lieu thereof the following:

"(c) Each executive order issued by the governor after the effective date of this Act shall remain valid and shall be given full force and effect until it expires by its own terms or until it is modified or rescinded by a subsequent executive order or by law."

AND FURTHER AMEND in Section 2 by deleting the figure "1983" and by substituting in lieu thereof the figure "1984".

On motion, the amendment was adopted.

On motion, House Bill No. 923 was placed at heel of the calendar.

Mr. Starnes moved that House Bill No. 1730 be placed on the Calendar for Monday, May 21, 1984, which motion prevailed.

House Bill No. 119--To make certain provisions, Beech River Watershed Authority.

On motion, House Bill No. 119 was made to conform with Senate Bill No. 1296.

On motion, Senate Bill No. 1296, on same subject, was substituted for House Bill No. 119.

Mr. King (Shelby) moved that Senate Bill No. 1296 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	82
Noes	0

Representatives voting aye were: Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--82.

A motion to reconsider was tabled.

House Bill No. 149--To continue board of control, Tennessee Corrections Institute.

On motion, House Bill No. 149 was made to conform with Senate Bill No. 1308.

On motion, Senate Bill No. 1308, on same subject, was substituted for House Bill No. 149.

Mr. King (Shelby) moved that Senate Bill No. 1308 be passed on third and final consideration.

Mr. King (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1308 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-208, is amended by adding the following language as a new, appropriately designated item:

() Tennessee corrections institute, board of control, created by Section 41-7-105;

On motion, the amendment was adopted.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1308 by adding at the conclusion of Section 2 the following new sections and by renumbering the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 41-7-101 (2) is amended by deleting the language of the subsection in its entirety and by substituting in lieu thereof the following:

"Correctional personnel" means all correctional officers, dormitory supervisor counselors, both adult and juvenile, and chaplains employed in municipal, county and metropolitan jurisdictions.

SECTION _____. Tennessee Code Annotated, Section 41-7-103 (1) is amended by deleting the word and punctuation "state," in the second line thereof.

SECTION _____. Tennessee Code Annotated, Section 41-7-103 (2) is amended by deleting the present subsection in its entirety and by substituting in lieu thereof the following:

"(2) Evaluate correctional programs in municipal, county and metropolitan jurisdictions. At the request of the Commissioner of Correction, the Institute may also evaluate state correctional programs;"

SECTION _____. Tennessee Code Annotated, Section 41-7-103 (4) is amended by deleting the words "county and state" in the first line and by substituting in lieu thereof the word "local".

SECTION _____. Tennessee Code Annotated, Section 41-7-103(4) is amended by inserting between the words "other" and "correctional" the word "local".

SECTION _____. Tennessee Code Annotated, Section 41-7-104(a) is amended by deleting the words "department of correction personnel and" in the first and second lines thereof.

SECTION _____. Tennessee Code Annotated, Section 41-7-106(a) is amended by inserting between the word "required" and the period "(.)" the words "in accordance with the statutes and procedures administered by the Department of Finance and Administration and the Department of Personnel".

SECTION _____. Tennessee Code Annotated, Title 41, Chapter 7, is amended by adding a new section which reads as follows:

"At the request of the Commissioner of Correction, the Institute may provided the Department of Correction with

technical and programmatic assistance, including inspections of state facilities. The Institute shall provide the Department of Correction with a report concerning the deficiencies or departures from standards found as the result of such inspection."

SECTION ____ . Tennessee Code Annotated, Section 41-4-140(2) is amended by deleting in the first and second lines the words and punctuation "state penal institutions and correctional facilities,".

SECTION ____ . Tennessee Code Annotated, Section 41-4-140(3) is amended in the fourth line by deleting the word and punctuation "state,".

SECTION ____ . Tennessee Code Annotated, Section 41-4-140(3) is amended by adding the following sentence immediately at the conclusion thereof:

"At the request of the Commissioner of Correction, the Institute may assist the Department of Correction in establishing standards for state institutions similar to the standards provided for in Tennessee Code Annotated, Section 41-4-140(1)."

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1308, as amended, failed to receive a constitutional majority by the following vote:

Ayes	49
Noes	39

Representatives voting aye were: Bell, Bivens, Brewer, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Gafford, Gaia, Gill, Hillis, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), Kisber, Love, McKinney, Miller, Moore (Sullivan), Murphy, Murray, Naifeh, Owen, Phillips, Pruitt, Robinson (Davidson), Robinson (Hamilton), Shirley, Sir, Stallings, Tanner, Turner (Hamilton), Wallace, Wheeler, Withers, Yelton and Mr. Speaker McWherter--49.

Representatives voting no were: Anderson, Atchley, Bewley, Bragg, Buck, Chiles, Clark (Sumner), Disspayne, Ford, Frensey, Harrill, Hassell, Henry, Hudson, Hurley, Kent, King (Washington), McNally, Montgomery, Moody, Moore (Shelby), Nance, Percy, Rhinehart, Robertson, Robinson (Washington), Scruggs, Severance, Smith, Turner (Shelby), Ussery, Webb, Whitson, Williams, Wix, Wolfe, Wood and Work --39.

Under the rules, Senate Bill No. 1308 was re-referred to the Committee on Calendar and Rules.

Mr. Wallace moved that House Bill No. 1774 be re-referred to the Committee on Calendar and rules, which motion prevailed.

House Bill No. 2146--To amend workers' compensation law.

Mr. Johnson moved that House Bill No. 2146 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2146 by inserting in Section 1, item 5(D) the words and punctuation "in effect at the time of injury," between the words "wage" and "as".

AND FURTHER AMEND by inserting in Section 1, item 7(D) the words and punctuation "in effect at the time of injury," between the words "benefit" and "as".

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 2146 by inserting in Section 3 the words and punctuation ", (American Medical Association 1977), or subsequent editions, the most recent edition to be that utilized" between the words "impairment" and "in".

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 2146 by deleting Section 18 in its entirety and by substituting instead the following:

Section 18. Tennessee Code Annotated, Title 50, Chapter 6, is amended by adding the following new sections as part 5:

Section 50-6-501.

(a) There is hereby created the Workers' Compensation Medical Services Commission. Such commission shall consist of nine (9) members appointed by the commissioner of labor as follows: 1) Two (2) members shall be physicians licensed in the state, knowledgeable in the treatment of work related injuries and diseases the Tennessee Medical Association may submit a list of three (3) candidates for each position from which the appointments may be made; 2) Two(2) members shall

be hospital administrators, the Tennessee Hospital Association may submit a list of three (3) candidates for each position from which the appointments may be made; 3) Two (2) members representative of employers, the Tennessee Manufacturers Association may submit a list of three (3) candidates for each position from which the appointments may be made; 4) Two (2) members representative of labor, the Tennessee AFL-CIO Labor Council may submit a list of three (3) candidates for each position from which the appointments may be made; 5) One (1) member representative of the insurance industry who is experienced in medical claims management, the commissioner of the department of insurance may submit a list of three (3) candidates from which the appointments may be made; 6) The commissioner of labor who shall be an ex officio member and shall serve in addition to the nine (9) appointed members.

(b) The commission shall be appointed and the initial terms of the members shall commence on July 1, 1984.

Of the initial members three (3) shall serve for a term of three (3) years, three (3) shall serve for a term of two (2) years, and three (3) shall serve for a term of one (1) year, thereafter all members shall serve for a term of three (3) years. The commissioner of labor shall designate the term of the initial members, provided the term of members with the same qualifications shall be different. Any vacancy on the commission shall be filled for the unexpired term by a person having the same qualifications. The group submitting the original nomination may submit a list of three (3) candidates for each vacancy, from which the appointment may be made.

(c) The members of the commission shall serve without compensation but shall be reimbursed the reasonable and necessary expenses incurred in the performance of their duties in accordance with the comprehensive travel regulations promulgated by the department of finance and administration.

(d) The commissioner of labor shall assist the commission in its work by providing staff and such other organizational support or facilities as may be necessary for the commission to perform its duties.

Section 50-6-502

(a) The Workers' Compensation Medical Services Commission shall have the following duties:

(1) To establish a physician's fee schedule reflecting a maximum allowable fee for each procedure code listed in the American Medical Association Common Procedural

Terminology Edition IV or subsequent editions, the most recent edition to be utilized for the establishment of the fee schedule after review of the proposed fee schedule submitted by the Workers' Compensation Medical Fee Advisory Committee.

(2) To establish by negotiating with participating institutional medical service providers a fair and reasonable schedule of charges for the necessary treatment of any and all work-related diseases or injuries. In determining such schedule, the commission shall request of participating providers a predetermined schedule of charges for medical services available in the treatment of work related diseases and injuries; shall duly consider the type and size of the participating institutional providers, the range and types of medical services provided and the geographic location of the institutional providers within the state; and shall establish a medical charge schedule for each institutional provider.

(b) The commission shall prepare and promulgate initial physician's fee and medical charge schedules by July 1, 1985 and shall thereafter make such review and revisions as it may deem necessary provided that such review shall be not less than yearly.

(c) The commission shall have the power to promulgate such rules and regulations as it may deem necessary to carry out its work and to implement the provisions of this part. Such rules shall include the right to appeal the administrative decisions of the commission and shall be promulgated in accordance with the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Section 50-6-503

(a) There is hereby created the Workers' Compensation Medical Fee Advisory Committee. Such committee shall consist of five (5) members appointed by the commissioner of labor. The board of trustees of the Tennessee Medical Association may submit to the commissioner of labor a list of ten (10) physicians licensed in the state, knowledgeable in the treatment of work related injuries and diseases from which the appointments may be made.

(b) The Workers Compensation Medical Fee Advisory Committee shall be appointed and the initial terms of the members shall commence on July 1, 1984. Of the initial members two (2) shall serve for a term of three (3) years, two (2) shall serve for a term of two (2) years, and one (1) shall serve for a term of one (1) year, thereafter all members shall serve for a term of three (3) years. The commissioner of labor shall designate the term of the initial members.

(c) The members of the committee shall serve without compensation but shall be reimbursed the reasonable and necessary expenses incurred in the performance of their duties in accordance with the comprehensive travel regulations promulgated by the department of finance and administration.

(d) The commissioner of labor shall assist the committee in its work by providing staff and such other organizational support or facilities as may be necessary for the committee to perform its duties.

(e) The Workers Compensation Medical Fee Advisory Committee shall submit to the Workers Compensation Medical Services Commission a proposed physician's fee schedule on or before January 1, 1985 and each year thereafter, to become effective on July 1, of that year. Such proposed schedule shall reflect the maximum allowable fee for each procedure code listed in the American Medical Association Common Procedural Terminology Edition IV or subsequent editions, the most recent edition to be utilized for the establishment of the fee schedule.

Section 50-6-504

(a) No insurer providing coverage pursuant to the provisions of this chapter shall be required to pay and no worker suffering any disease or injury for which a claim for compensation for medical expenses may arise pursuant to the provisions of this chapter shall claim an amount for medical expenses for the treatment of any work-related disease or injury which is in excess of the amount(s) provided on the physician's fee and medical charge schedules established by the commission.

(b) No physician nor institutional medical services provider treating or examining any patient for a injury or disease covered under the Workers' Compensation Law shall charge or be entitled to receive a fee in excess of the amount(s) provided in the physician's fee and medical charge schedules established by the commission. The compensation to a physician for treatment of the worker for injury or disease shall be that physician's usual customary and reasonable fee not to exceed the maximum fee established pursuant to this chapter by the commission.

Section 50-6-505

(a) Any injured worker whose injury or disease is such that the necessary treatment is in excess of the amount provided on the physician's fee and medical charge schedules may petition the commission for review. Such petition shall provide such information as the commission may prescribe for its review.

(b) The commission or an appointee shall hold an administrative hearing on such petition within sixty (60) days of filing of the petition pursuant to the Uniform Rules of Administrative Procedure. The commission shall within thirty (30) days of the hearing issue an order approving or disapproving in whole or in part the petition for increased medical cost.

(c) The injured worker may claim and any employer or his insurer shall be liable for the award in excess of the physician's fee and medical charge schedules approved by the commission.

(d) Decisions of the commission shall be subject to judicial review by the court in which the claim is filed for determination or review pursuant to Tennessee Code Annotated, Section 50-6-225.

Mr. King (Shelby) moved to amend Amendment No. 3 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 3

Amend Amendment No. 3 by deleting from the second sentence of Section 18, 50-6-501(a), the words and figures "the Tennessee Manufacturers Association may submit a list of three (3) candidates for each position from which" and by substituting instead the following:

"the Tennessee Manufacturers Association may submit a list of three (3) candidates for each position, at least one of whom shall be a person experienced in risk and insurance management, from which".

On motion, Amendment No. 1 to Amendment No. 3 was adopted.

Ms. Duer moved to amend Amendment No. 3 as follows:

AMENDMENT NO. 2 TO AMENDMENT NO. 3

Amend Amendment No. 3 by deleting the amendatory Section 50-6-502 in Section 18 in its entirety and by substituting instead the following:

Section 50-6-502.

(a) The Worker's Compensation Medical Services Commission shall gather statistical data on physicians' fees and the cost of providing medical services for work-related diseases or injuries in Tennessee.

(b) Such commission shall report its findings to the Ninety-fourth General Assembly no later than February 1, 1985 and shall make recommendations to such body concerning

the desirability of establishing a physician's fee schedule and schedule of charges for necessary treatment of work-related diseases or injuries.

AND FURTHER AMEND by deleting subsection (e) of the amendatory Section 50-6-503 in Section 18 in its entirety.

AND FURTHER AMEND by deleting the amendatory Sections 50-6-504 and 50-6-505 in Section 18 in their entirety.

Mr. Tanner moved that Amendment No. 2 to Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes	61
Noes	17
Present and not voting	5

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Byrd, Clark (Davidson), Covington, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Drew, Ellis, Elsea, Gafford, Gaia, Gill, Hillis, Hurley, Johnson, Jones, Kelley, Kernell, King (Washington), Kisber, Love, McKinney, Miller, Montgomery, Moore (Shelby), Murphy, Murray, Naifeh, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sir, Stallings, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work and Yelton--61.

Representatives voting no were: Atchley, Chiles, Duer, Frensley, Harrill, Hassell, Jared, Kent, McAfee, McNally, Moody, Moore (Sullivan), Nance, Scruggs, Smith, Williams and Wood--17.

Representatives present and not voting were: Bragg, Henry, King (Shelby), Robertson and Starnes--5.

Thereupon, Amendment No. 3, as amended, was adopted.

Mr. Wheeler moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 2146 by renumbering Section 25 to become Section 26 and by further adding a new Section 25 to read as follows:

SECTION 25. Tennessee Code Annotated, Section 50-6-405 is amended by inserting immediately after the first paragraph of such section and before the second paragraph of such section the following paragraph:

Ten (10) or more employers of the same trade or professional association may enter into agreements to pool their liabilities under this chapter for the purpose of qualifying as self-insurers provided that the trade or

professional association has had an active existence for at least five (5) years and such association (1) has a constitution or by-laws, (2) has members that support the association by regular payment of dues on an annual, semi-annual, quarterly, or monthly, basis, and (3) is created in good faith for purposes other than that of creating Workers' Compensation self-insurer pools. The Commissioner of Insurance of the State of Tennessee shall have authority to promulgate such rules and regulations as deemed necessary to provide for the administration and enforcement of such pooling agreements. To the extent deemed necessary by the Commissioner of Insurance, each employer member of such approved group shall be classified as a self insurer as otherwise provided in this chapter.

Mr. Tanner moved that Amendment No. 4 be tabled, which motion prevailed.

Mr. Johnson moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 2146 by deleting Section 10 in its entirety and by substituting instead the following:

Section 10. Tennessee Code Annotated, Section 50-6-208, is amended by deleting subsection (a) and by substituting instead the following:

(a) If any employee has a permanent physical impairment from any cause or origin which is actually known to the employer at the time that the employee was hired or at the time the employee was retained in employment after the employer acquired such knowledge, and the employee then incurs a subsequent disability by injury arising out of and in the course of his employment resulting in compensation liability for permanent disability, he shall be entitled to compensation from his employer or the employer's insurance carrier only for the disability that would have resulted from the subsequent disability alone, and such earlier injury shall not be considered in estimating the compensation to which the employee may be entitled under this Chapter from the employer or the employer's insurance carrier, provided however, the employee shall not be entitled to receive from the employer, or his insurance carrier, for a subsequent injury, compensation in excess of the difference between the amount received for all previous injuries resulting in permanent disability and that amount which would be due for one hundred percent (100%) permanent disability.

In addition to such compensation from the employer or his insurance carrier for any subsequent disability, and

after completion of the payments therefor by the employer or his insurance carrier, the injured employee shall be paid out of a special fund to be known as the "Second Injury Fund" created herein, the following:

1) Any amount of compensation due for the subsequent injury alone, in excess of that paid by the employer or his insurance carrier, when the employee has received compensation for previous injuries resulting in permanent disability, equaling the amount due for one hundred percent (100%) permanent disability, and

2) Any amount of compensation for permanent disability in excess of that paid by the employer or his insurance carrier, due by reason of the combined effects of the pre-existing impairment and subsequent injury or by reason of the aggravation of the pre-existing impairment.

To receive benefits from the Second Injury Fund, the injured employee must be the employee of an employer who has properly insured his workers' compensation liability or has qualified to operate under the Tennessee Workers' Compensation Law as a self-insurer. In determining the percentage of disability for which the second injury fund shall be liable, no permanent physical impairment shall be considered unless such impairment was within the knowledge of the employer as prescribed above.

On motion, the amendment was adopted.

Mr. Disspayne moved the previous question, which motion prevailed by the following vote:

Ayes	75
Noes	13
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robinson (Washington), Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Work and Yelton--75.

Representatives voting no were: Bragg, Copeland, Duer, Harrill, Kent, McAfee, McNally, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Wolfe and Wood--13.

Representative present and not voting was: Brewer--1.

Thereupon, House Bill No. 2146, as amended, passed its third and final consideration by the following vote:

Ayes	84
Noes	6
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--84.

Representatives voting no were: Bragg, Duer, Kent, Nance, Scruggs and Shirley--6.

Representatives present and not voting were: Copeland and Hudson--2.

A motion to reconsider was tabled.

EXPLANATION OF VOTE

I voted against HB 2146 (SB2062) because I was not properly informed as to the reasons to omit the employer's 6% discount for lump sum payment of premiums.

John Bragg

Ms. Williams moved that Senate Bill No. 1400 be placed on the Calendar for tomorrow which motion prevailed.

Mr. Jones moved that House Bill No. 1372 be placed on the Calendar for Tuesday, May 22, 1984, which motion prevailed.

Mr. Speaker McWherter resumed the chair.

House Bill No. 1533--To amend Billboard Regulation and Control Act.

On motion, House Bill No. 1533 was made to conform with Senate Bill No. 1666.

On motion, Senate Bill No. 1666, on same subject, was substituted for House Bill No. 1533.

Mr. Murray moved that Senate Bill No. 1666 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--88.

Representatives voting no were: Chiles and Robertson--2.

A motion to reconsider was tabled.

Mr. Davidson moved that House Bill No. 1720 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

FURTHER CONSIDERATION OF HOUSE BILL NO. 1812

House Bill No. 1812--To make certain provisions, water quality, control.

Mr. Robertson moved to withdraw Amendment No. 1 to Amendment No. 4, which motion prevailed.

Mr. McKinney moved to withdraw Amendment No. 4, which motion prevailed.

Mr. Robertson, having voted with the prevailing side, moved that the House reconsider its action in failing to adopt Division No. 1 of Amendment No. 2, which motion prevailed.

Mr. Hillis moved that Division No. 1 of Amendment No. 2 be adopted, which motion prevailed.

Thereupon, House Bill No. 1812, as amended, passed its third and final consideration by the following vote:

Ayes 86
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood and Work--86.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF HOUSE BILL NO. 923

House Bill No. 923--To make certain provisions, executive orders.

Mr. Starnes moved that Amendment No. 1 be withdrawn, which motion prevailed.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 923 by deleting Section 1(c) in its entirety and by substituting in lieu thereof the following:

"(c) Each executive order issued by the governor after the effective date of this Act shall remain valid and shall be given full force and effect until it expires by its own terms or by law."

AND FURTHER AMEND in Section 2 by deleting the figure "1983" and by substituting in lieu thereof the figure "1984".

On motion, the amendment was adopted.

Thereupon, House Bill No. 923, as amended, passed its third and final consideration by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer,

Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Joint Resolution No. 524--Relative to honoring John B. Waters.

Mr. Atchley moved that House Joint Resolution No. 524 be adopted.

Mr. Atchley moved to amend as follows:

AMENDMENT NO. 1

Amend House Joint Resolution No. 524 by adding after the name "John B. Waters" wherever it appears in the caption, the clauses of the preamble, and the resolving clauses, the punctuation and designation ", Jr.".

On motion, the amendment was adopted.

Senate Joint Resolution No. 226--Relative to congratulating Mr. and Mrs. Ward Golden.

Senate Joint Resolution No. 227--Relative to memory, Charles Joseph Sanders.

House Joint Resolution No. 533--Relative to commending Anthony Michael King.

House Joint Resolution No. 534--Relative to commending Telisha Kay Hickman.

House Bill No. 2291--To increase tax rate, Milan Special School District.

House Bill No. 2292--To make certain provisions, civil service system, Greeneville.

House Bill No. 2293--To amend Charter, Dyer.

House Joint Resolution No. 536--Relative to commending employees, Office of Legal Services.

House Resolution No. 140--Relative to commending employees, House Clerks office and Sergeants at Arms.

House Resolution No. 141--Relative to commending employees of House of Representatives, Capital Print Shop and Capitol Police.

Mr. Gill moved that all House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

Mr. McKinney moved that the rules be suspended for the purpose of introducing House Resolution No. 144 out of order, which motion prevailed.

House Resolution No. 144--Relative to studies by standing and special study committees--By Murphy, McKinney and Henry.

Mr. McKinney moved that the rules be suspended for the immediate consideration of House Resolution No. 144, which motion prevailed.

Mr. McKinney moved that House Resolution No. 144 be adopted, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell,

Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

Ms. DeBerry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 545 out of order, which motion prevailed.

House Joint Resolution No. 545--Relative to honoring Reverend William A. Suggs--By DeBerry, Brewer, Dixon, Jones and Withers.

Ms. DeBerry moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 545, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 222--Relative to study, financial stability, political subdivisions.

The Speaker referred Senate Joint Resolution No. 222 to the Committee on Calendar and Rules.

Senate Joint Resolution No. 228--Relative to congratulating Eston Randolph.

Under the rules, House Joint Resolution No. 228 was referred to the Committee on Calendar and Rules.

Mr. McKinney moved that House Rule No. 74 be suspended, which motion prevailed.

Mr. Bragg moved that House Joint Resolution No. 477 be recalled from the Committee on Calendar and Rules, which motion prevailed.

Mr. Bragg moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 477, which motion prevailed.

House Joint Resolution No. 477--Relative to amending Article II, Section 28, State Constitution.

Mr. Bragg moved that House Joint Resolution No. 477 be passed on first reading.

At the request of the sponsor, House Joint Resolution No. 477 was read by the Clerk.

Thereupon, as required by Article XI, Section 3, Constitution of Tennessee, House Joint Resolution No. 477 passed its first reading by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frenslley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

Mr. Bragg moved that the rules be suspended in order that the House may consider House Joint Resolution No. 477 tomorrow, which motion prevailed.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

1273--To regulate Elk River Development Agency.

The Senate refused to recede from its action in nonconcurring in House Amendment Nos. 1 and 2.

The Speaker appointed a Conference Committee composed of Senators Hicks, Richardson and Burleson to confer with a like committee from the House to resolve the differences of the two bodies on Senate Bill No. 1273.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. King (Shelby) moved that the Speaker appoint a Conference Committee to meet with a like committee from the Senate to resolve the differences between the House and Senate on Senate Bill No. 1273, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Representatives McAfee, Scruggs and DePriest as the Conference Committee on Senate Bill No. 1273.

Mr. Dixon moved that the rules be suspended for the purpose of introducing House Resolution No. 142 out of order, which motion prevailed.

House Resolution No. 142--Relative to study, emergency jobs program--By Dixon and Brewer.

Mr. Dixon moved that the rules be suspended for the immediate consideration of House Resolution No. 142, which motion prevailed.

On motion, the resolution was referred to the Committee on Calendar and Rules.

Mr. Ussery moved that House Joint Resolution No. 504 be recalled from the Committee on Calendar and Rules, which motion prevailed.

Mr. Ussery moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 504, which motion prevailed by the following vote:

Ayes	67
Noes	15
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bivens, Brewer, Buck, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Ellis, Elsea, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Hillis, Hurley, Jared, Johnson, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Naifeh, Nance, Napier, Percy, Pruitt, Robertson, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wheeler, Whitson, Williams, Withers, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--67.

Representatives voting no were: Bell, Bewley, Ford, Jones, Kelley, McAfee, Moody, Murray, Phillips, Robinson (Hamilton), Scruggs, Smith, Wallace, Webb and Wolfe--15.

Representatives present and not voting were: McKinney and Owen--2.

House Joint Resolution No. 504--Relative to amending Article II, Section 3, State Constitution.

Mr. Ussery moved that House Joint Resolution No. 504 be passed on first reading.

At the request of the sponsor, House Joint Resolution No. 504 was read by the Clerk.

Thereupon, as required by Article XI, Section 3, Constitution of Tennessee, House Joint Resolution No. 504 passed its first reading by the following vote:

Ayes	50
Noes	35
Present and not voting	4

Representatives voting aye were: Anderson, Atchley, Brewer, Buck, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, DeBerry, Dispayne, Dixon, Duer, Ellis, Elsea, Frensley, Gafford, Gaia, Gill, Hassell, Hillis, Hurley, Jared, Johnson, Kent, Kernell, King (Shelby), King (Washington), Love, McNally, Moody, Moore (Shelby), Moore (Sullivan), Naifeh, Napier, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Stallings, Starnes, Ussery, Wheeler, Whitson, Williams, Withers, Work and Yelton--50.

Representatives voting no were: Bell, Bewley, Bivens, Byrd, Chiles, Cobb, Copeland, Davis (Gibson), Dills, Drew, Ford, Harrill, Henry, Jones, Kelley, Kisber, McAfee, McKinney, Montgomery, Murray, Nance, Percy, Phillips, Robertson, Robinson (Hamilton), Scruggs, Smith, Tanner, Turner (Hamilton), Turner (Shelby), Wallace, Webb, Wolfe, Wood and Mr. Speaker McWherter--35.

Representatives present and not voting were: Bragg, Miller, Owen and Wix--4.

Mr. Ussery moved that the rules be suspended in order that House Joint Resolution No. 504 be placed on tomorrow's Calendar, which motion prevailed.

Mr. Johnson moved that House Joint Resolution No. 261 be recalled from the Committee on Calendar and Rules, which motion prevailed.

Mr. Johnson moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 261, which motion prevailed.

House Joint Resolution No. 261--Relative to amending Constitution to authorize lotteries.

Mr. Johnson moved that House Joint Resolution No. 261 be passed on first reading.

At the request of the sponsor, House Joint Resolution No. 261 was read by the Clerk.

Thereupon, as required by Article XI, Section 3, Constitution of Tennessee, House Joint Resolution No. 261 failed to pass its first reading by the following vote:

Ayes	46
Noes	40
Present and not voting	3

Representatives voting aye were: Anderson, Bell, Brewer, Chiles, Clark (Davidson), Clark (Sumner), Covington, DeBerry, DePriest, Disspayne, Dixon, Duer, Ford, Gafford, Gaia, Hassell, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), Kisber, Love, McKinney, McNally, Miller, Murphy, Murray, Naifeh, Napier, Owen, Pruitt, Robinson (Davidson), Robinson (Washington), Severance, Tanner, Turner (Hamilton), Ussery, Webb, Wheeler, Williams, Withers, Work, Yelton and Mr. Speaker McWherter--46.

Representatives voting no were: Atchley, Bewley, Bivens, Buck, Byrd, Cobb, Copeland, Crain, Davidson, Davis (Gibson), Dills, Elsea, Frensley, Harrill, Henry, Hurley, Kelley, King (Washington), McAfee, Montgomery, Moody, Moore (Sullivan), Nance, Percy, Phillips, Rhinehart, Robertson, Robinson (Hamilton), Scruggs, Shirley, Smith, Stallings, Turner (Shelby), Wallace, Whitson, Wix, Wolfe and Wood--40.

Representatives present and not voting were: Bragg, Moore (Shelby) and Starnes--3.

Mr. King (Shelby) moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 190, which motion failed by the following vote:

Ayes	57
Noes	28

Representatives voting aye were: Brewer, Buck, Byrd, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Disspayne, Dixon, Duer, Ellis, Ford, Gaia, Gill, Hassell, Hurley, Jared, Johnson, Jones, Kernell, King (Shelby), Kisber, Love, McAfee, McKinney, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Severance, Shirley, Sir, Stallings, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wheeler, Williams, Withers, Wix, Work, Yelton and Mr. Speaker McWherter--57.

Representatives voting no were: Anderson, Atchley, Bewley, Bivens, Clark (Sumner), Dills, Elsea, Frensley, Harrill, Henry, Hillis, Kelley, Kent, King (Washington), McNally, Montgomery, Moody, Nance, Percy, Robertson, Robinson (Washington), Scruggs, Smith, Wallace, Webb, Whitson, Wolfe and Wood--28.

Ms. DeBerry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 546 out of order, which motion prevailed.

House Joint Resolution No. 546--Relative to commending Mrs. Cora Barley Harris--By DeBerry, Withers, Jones, Dixon, Brewer and King (Shelby).

Ms. DeBerry moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 546, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Davis (Gibson) moved that House Bill No. 2294 be recalled from the Committee on State and Local Government, which motion prevailed.

Mr. Davis (Gibson) moved that the rules be suspended in order to place House Bill No. 2294 on the Consent Calendar for tomorrow, which motion prevailed.

REMARKS BY MR. YELTON - HOUSE BILL NO. 1615

We are abandoning our efforts today to override the Governor's veto of HB 1615. We are not going to abandon our efforts to pass legislation to protect small businessmen as long as big oil continues to work to shut us down with predatory pricing.

We appreciate those legislators who took the time to inform themselves of the merits of this issue and stayed with us during this long, agonizing debate despite incredible pressure from opponents armed with reams of erroneous information. We are sorry for the harrassment and intimidation they had to put up with.

We beat big oil, even with the hundreds of thousands of dollars it spent on this campaign.

We could not beat the Governor and members of his Cabinet who spent hours threatening legislators with loss of projects and campaign repercussions.

Big oil was very fortunate to have the administration and most of the state's editorial writers doing their dirty work.

We will work hard between now and next year to continue to explain our problem and to show who really is the consumer's friend -- big oil and the Governor or Tennessee small businessmen.

The Governor argued that this bill if it became law would mean huge increases in gasoline prices. The Governor's actions have assured that big oil's capricious pricing practices will continue unabated.

Senior citizens and the motoring public will suffer the additional consequence of finding it more and more difficult to locate full-service assistance when they have automobile trouble as big oil forces more and more of us out of business.

SECOND ROLL CALL

A roll call was taken with the following results:

Present 92

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 537--Relative to commending Miss Charlotte Youree--By Bragg.

Under the rules, House Joint Resolution No. 537 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 538--Relative to honoring Pastor Uelucious Purdy--By Dixon.

Under the rules, House Joint Resolution No. 538 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 2296--To regulate zoning, certain municipalities --By McAfee, Robinson (Hamilton), Elsea, Wood, Starnes, Copeland and Turner (Hamilton).

Passed first consideration.

House Bill No. 2297--To regulate Board of Utility Commissioners, Jackson--By Kisber and Wallace.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 1575--To establish certain restitution programs, certain criminal cases.

Passed first consideration.

Senate Bill No. 1845--To regulate location, bingo games.

Passed first consideration.

Senate Bill No. 2098--To regulate interest, taxable real property.

Passed first consideration.

HOUSE BILL ON SECOND CONSIDERATION

House Bill No. 2295--To levy tax on hotel occupancy, Henry County.

Passed second consideration and held without reference.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

1388--To increase number, housing authority commissioners, certain cities.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

1475--To amend Section 70-5-111, Code.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House Senate Bill No.:

2171--To regulate issuance, special license plates.

The Senate concurred in House Amendments Nos. 1, 2 and 5, and nonconcurred in House Amendments Nos. 3, 4, 6 and 8.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

BILLS WITHDRAWN

On motion of Mr. Stallings, House Bill No. 2126 was recalled from the Committee on State and Local Government.

On motion of Mr. Stallings, House Bill No. 2126 was withdrawn from the House.

On motion of Mr. Severance, House Bill No. 281 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Severance, House Bill No. 281 was withdrawn from the House.

NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Thursday, May 17, 1984:

House Bill No. 1696--Tanner

House Bill No. 1913--Naifeh

House Bill No. 2207--Cobb

Senate Bill No. 1475--Tanner

Senate Bill No. 2171--Gafford

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 655--Kisber

House Bill No. 1533--Owen

House Bill No. 2294--Dills

LOCAL BILLS REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative

delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 357 and 2295.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday, May 17, 1984: House Bills Nos. 1655, 1101, 1736, House Joint Resolutions Nos. 432, 502, House Bills Nos. 2294, 357, 2295, House Joint Resolutions Nos. 537, 538, and Senate Joint Resolution No. 228.

GILL, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, May 17, 1984: House Bills Nos. 2131, 440, 2003, House Joint Resolution No. 330, House Bills Nos. 1163, 1966, 2201, 2202, 2216, 1817, 1726, 1729, House Joint Resolution No. 261, House Bills Nos. 1847, 1602, 1604, 1408, 2122, 1600, 2186, 1658, 1792 and 1738.

GILL, Chairman.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 145, 923, 1812, 2023, 2146, 2170, 2291, 2292 and 2293; and House Joint Resolutions Nos. 524, 533, 534, 536, 545 and 546; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

On motion of Mr. Naifeh, the House adjourned until 9:00 a.m. tomorrow.